

U.S. ENVIRONMENTAL PROTECTION AGENCY  
POLLUTION/SITUATION REPORT  
OPA-Rosebud Creek Crude E21702 - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region VII

**Subject:** POLREP #19  
Progress  
OPA-Rosebud Creek Crude E21702  
  
Rago, KS  
Latitude: 37.4914160 Longitude: -98.0766360

**To:** Megan Schuette, USEPA

**From:** Daniel O'Crowley, OSC

**Date:** 5/5/2021

**Reporting Period:** 4/29/21-5/4/21

## 1. Introduction

### 1.1 Background

<b>Site Number:</b>	Z7FQ	<b>Contract Number:</b>	
<b>D.O. Number:</b>		<b>Action Memo Date:</b>	
<b>Response Authority:</b>	OPA	<b>Response Type:</b>	Emergency
<b>Response Lead:</b>	EPA	<b>Incident Category:</b>	Removal Action
<b>NPL Status:</b>	Non NPL	<b>Operable Unit:</b>	
<b>Mobilization Date:</b>	4/2/2021	<b>Start Date:</b>	4/2/2021
<b>Demob Date:</b>		<b>Completion Date:</b>	
<b>CERCLIS ID:</b>		<b>RCRIS ID:</b>	
<b>ERNS No.:</b>		<b>State Notification:</b>	
<b>FPN#:</b>	E21702	<b>Reimbursable Account #:</b>	

#### 1.1.1 Incident Category

OPA Emergency Response

#### 1.1.2 Site Description

##### 1.1.2.1 Location

The site is located two miles north of Rago, Kingman County, Kansas. The latitude/longitude for the site is 37.491416, -98.076636. Surrounding land use is agricultural, but also includes a number of oil wells and tank batteries.

##### 1.1.2.2 Description of Threat

The spill appears to have originated from a failed flowline that crosses a small pond (Pond 2) located adjacent to Rosebud Creek. The failed section is located within Pond 2. Pond 2 flows into Rosebud Creek. Rosebud Creek is a tributary of the Chikaskia River, which is located approximately two miles south of the spill location. A commercial minnow pond (Pond 3) is located approximately 0.75 miles downstream of the spill location. Pond 3 is also used as a livestock drinking water source.

#### 1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

See Section 2.1.1

## 2. Current Activities

### 2.1 Operations Section

#### 2.1.1 Narrative

On March 24, 2021, the operator of an adjacent oil lease, Destiny Services, LLC (operator), discovered the spill. In coordination with the Kansas Corporation Commission (KCC), the operator began installation of straw bale dams along the creek to contain the spill. Once straw bale dams were installed, the operator attempted to recover the oil using a vacuum truck. The operator conducted pressure testing of all oil production lines in the vicinity of the spill and was not able to identify a leak.

On April 1, 2021, the KCC reported the spill to the National Response Center (NRC). KCC estimated the spill to be 100 barrels (4,200 gallons). An EPA On-Scene Coordinator (OSC) was deployed to the Site. The OSC observed a significant amount of oil in the two ponds and along approximately 0.75 miles of Rosebud Creek. Additionally, due to a heavy rain event that occurred around the time of the spill, significant amounts of oil were observed up the sides of Rosebud Creek. Significant impacts were not noted in Pond 3, or in Rosebud Creek downstream of Pond 3.

On April 1, 2021, the operator stated that they did not have the ability to complete cleanup. On April 2, 2021, the EPA determined that a fund-lead removal action was appropriate to conduct the cleanup. The operator was issued a Notice of Federal Interest (NOFI).

On April 22, 2021, the EPA identified a leaking flowline controlled by the operator underneath Pond 2 (see Section 2.1.2).

#### **2.1.2 Response Actions to Date**

On April 2, 2021, the EPA activated START and ERRS.

See Pollution Reports 1-18 for detailed information on response actions from March 24, 2021 - April 28, 2021.

On April 29, 2021, 7,560 gallons of wastewater was hauled from on-site frac tanks.

On April 30, 2021, Pond 2 was dewatered and backfilling commenced. Decontamination of equipment continued. KCC continued dewatering Pond 1.

On May 1, 2021, tree removal and backfilling continued at Pond 2. Decontamination of equipment continued. A small amount of surface skimming of oil was conducted at Pond 1.

No activities performed on May 2, 2021.

On May 3, 2021, backfilling, topsoil, and grading continued at the Pond 2 area. Pond 2 area was graded to drain overflow from Pond 1. Decontamination of equipment continued. EPA/START demobilized from the site.

On May 4, 2021, gravel check dams were installed at the newly installed drainage in the Pond 2 area. A gravel pad was installed near Pond 2 as an access point for KCC. ERRS demobilized from the site.

#### **2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)**

Predicated on actions performed on April 22-23 2021, Destiny Services, LLC has been identified as a PRP (see Section 2.1.2). Destiny Services, LLC has stated that they do not have the resources to conduct the cleanup.

For previous enforcement activity, see Pollution Report 15.

#### **2.1.4 Progress Metrics**

<b>Waste Stream</b>	<b>Medium</b>	<b>Quantity</b>	<b>Manifest #</b>	<b>Treatment</b>	<b>Disposal</b>
Wastewater		240,030 gallons			Underground Injection
Oil		19,068 gallons			Recycled

## **2.2 Planning Section**

### **2.2.1 Anticipated Activities**

#### **2.2.1.1 Planned Response Activities**

KCC has taken over monitoring of the site. This will include addressing any remaining oil contamination and replacing oil-soaked boom, etc.

ERRS will return to the site to clean frac tanks and hydroseed the Pond 2 area and some areas along Rosebud Creek where truck traffic has damaged vegetation.

#### **2.2.1.2 Next Steps**

#### **2.2.2 Issues**

## **2.3 Logistics Section**

ERRS and START are handling equipment logistics.

## 2.4 Finance Section

### 2.4.1 Narrative

On April 27, 2021, the EPA requested a ceiling increase to \$1,065,000 from the NPFC. On April 27, 2021, the NPFC approved the ceiling increase to \$1,065,000.

For previous finance activity, see Pollution Report 18.

### Estimated Costs \*

	Budgeted	Total To Date	Remaining	% Remaining
<b>Extramural Costs</b>				
ERRS - Cleanup Contractor	\$750,000.00	\$650,000.00	\$100,000.00	13.33%
TAT/START	\$70,000.00	\$35,000.00	\$35,000.00	50.00%
<b>Intramural Costs</b>				
USEPA - Direct	\$91,269.00	\$72,000.00	\$19,269.00	21.11%
USEPA - InDirect	\$153,731.00	\$109,008.00	\$44,723.00	29.09%
<b>Total Site Costs</b>	<b>\$1,065,000.00</b>	<b>\$866,008.00</b>	<b>\$198,992.00</b>	<b>18.68%</b>

\* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

## 2.5 Other Command Staff

No information available at this time.

## 3. Participating Entities

### 3.1 Unified Command

### 3.2 Cooperating Agencies

Kansas Corporation Commission  
Kansas Dept. of Health and Environment  
Kansas Dept. of Wildlife, Parks, and Tourism  
U.S. Coast Guard  
U.S. Fish and Wildlife  
Farm Services Agency

## 4. Personnel On Site

6 ERRS personnel  
1 START personnel  
1 EPA OSC

## 5. Definition of Terms

No information available at this time.

## 6. Additional sources of information

### 6.1 Internet location of additional information/report

### 6.2 Reporting Schedule

As needed.

## 7. Situational Reference Materials

No information available at this time.

